

ORDINANCE NO. 2013-75

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 10-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS FACILITIES IN ORDER TO SERVE THE 35-UNIT AFFORDABLE HOUSING PROJECT FOR THE ELDERLY, IN SUBSTANTIALLY THE FORM AS ATTACHED. AS EXHIBIT "1" **THE 10-FOOT WIDE EASEMENT SITUATED INSIDE PROPERTY LOCATED AT 355 EAST 32 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 10-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its facilities in order to serve the 35-Unit Affordable Housing Project for the Elderly to be located on 355 East 32 Street, Hialeah, Florida. The easement is located inside 355 East 32 Street, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

THE NORTH 8.00 FEET OF LOTS 25, 26, AND 27 AND THE NORTH 10 FEET OF THE EAST 25 FEET OF LOT 28 TOGETHER WITH THE EAST 10 FEET OF LOT 25, TOGETHER WITH THE SOUTH 10 FEET OF LOTS 25, 26 AND THE SOUTH 10 FEET OF THE EAST 13 FEET OF LOT 27, ALL LOCATED IN BLOCK 1A, AMENDED PLAT OF FIFTEENTH ADDITION TO HIALEAH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN

PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

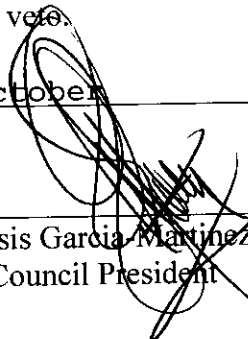
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is

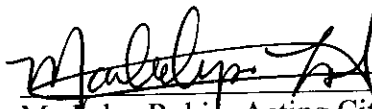
withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8th day of October, 2013.


Isis Garcia-Martinez
Council President

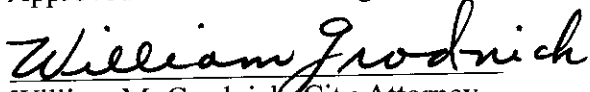
Attest:

Approved on this 16 day of October, 2013.


Marbelys Rubio, Acting City Clerk
Fatjo


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes"

Work Request No. 4712818

Sec. __, Twp __ S, Rge __ E

Parcel I.D. 04-3107-011-0170
(Maintained by County Appraiser)

EASEMENT (BUSINESS)

This Instrument Prepared By

Name: William Grodnick, Esq.
Co. Name: City of Hialeah
Address: 501 Palm Avenue
Hialeah, Florida 33010

CFN 2013R0890622
DR Bk 28904 Pgs 3469 - 3470 (2pgs)
RECORDED 11/08/2013 10:34:23
DEED DOC TAX 0.60
SURTAX 0.45
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its affiliates, licensees, agents, successors, and assigns ("FPL"), a non-exclusive easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation to attach wires to any facilities hereunder and lay cable and conduit within the Easement Area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area; the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area heretofore described, over, along, under and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on October 17, 2013

Signed, sealed and delivered in the presence of:

[Signature]
(Witness' Signature)
Print Name: Carolyn Albrecht
(Witness)
[Signature]
(Witness' Signature)
Print Name: Maria Lopez
(Witness)

Entity name - City of Hialeah

By: [Signature]

Print Name: Mayor Carlos Hernandez

Print Address: 501 Palm Avenue
Hialeah, Florida 33010

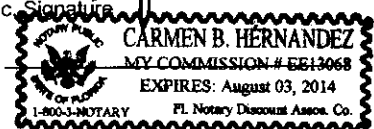
ATTEST: [Signature]
MARBELYS FATJO
Acting City Clerk

STATE OF Florida AND COUNTY OF Miami-Dade. The foregoing instrument was acknowledged before me this 17 day of October, 2013, by Mayor Carlos Hernandez, the 12/A of N/A a N/A, who is personally known to me or has produced _____ as identification, and who did (did not) take an oath.
(Type of Identification)

My Commission Expires:

Notary Public, Signature

Print Name



Orig
2013-10-17



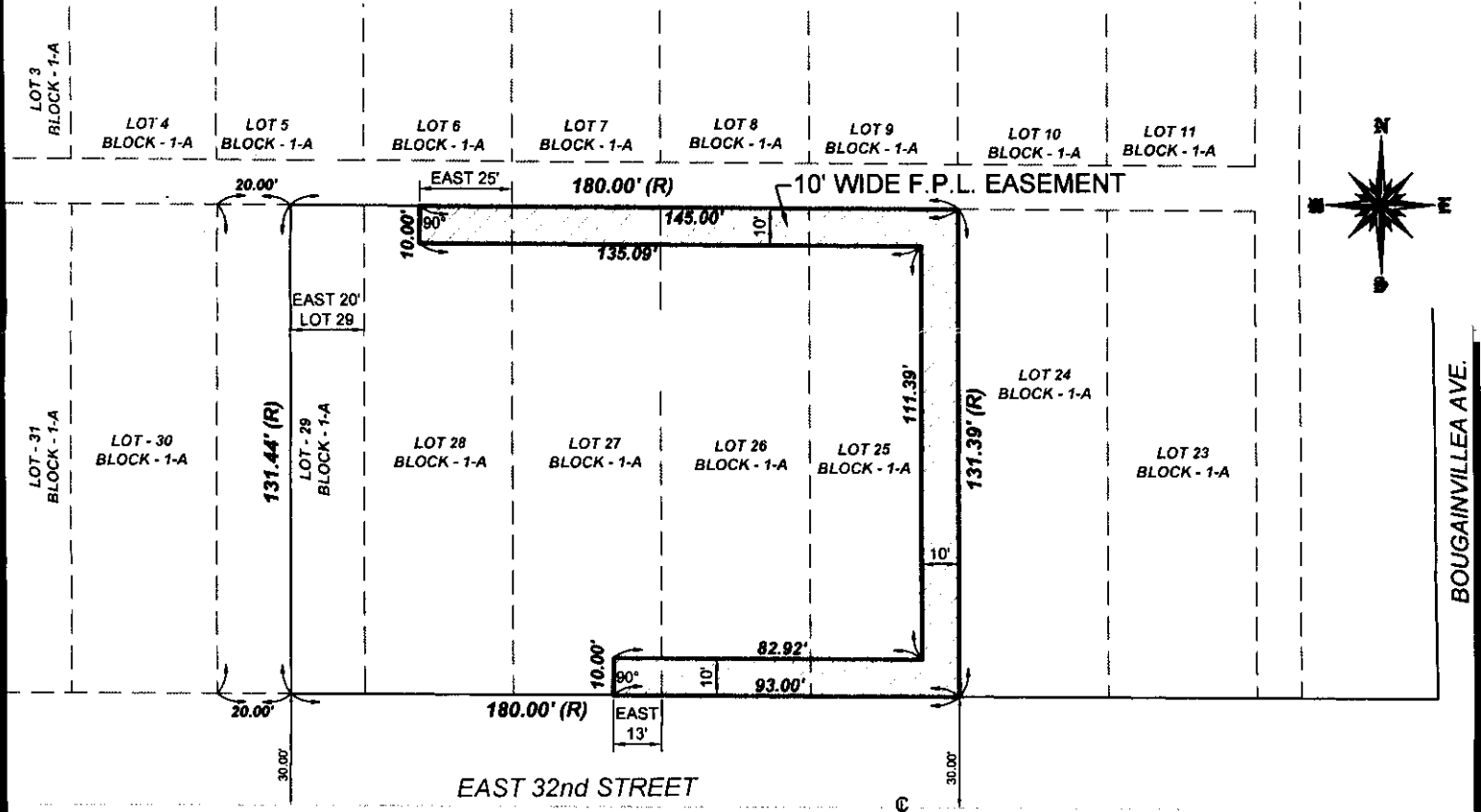
OR BK 28904 PG 3470
LAST PAGE

THIS SKETCH IS
NOT A SURVEY

SKETCH AND LEGAL DESCRIPTION
FLORIDA POWER AND LIGHT EASEMENT DEDICATION

AT: 355 EAST 32ND STREET, HIALEAH, FLORIDA, 33013

FOLIO #: 04-3107-011-0170



LEGAL DESCRIPTION: (10 FOOT F.P. & L. EASEMENT)

A PORTION OF LOTS 25,26,27 AND 28, BLOCK 1-A, AMENDED PLAT OF FIFTEENTH ADDITION TO HIALEAH SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, AT PAGE 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10 FEET OF LOTS 25, 26, 27 AND THE NORTH 10 FEET OF THE EAST 25 FEET OF LOT 28, BLOCK 1A.

TOGETHER WITH:

THE EAST 10 FEET OF LOT 25, BLOCK 1A.

TOGETHER WITH:

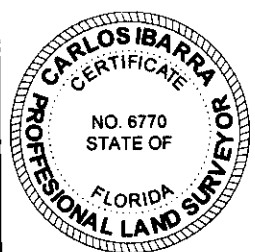
**THE SOUTH 10 FEET OF LOTS 25, 26 AND THE SOUTH 10 FEET OF
THE EAST 13 FEET OF LOT 27, BLOCK 1A.**

CONTAINING APPROXIMATELY 3,494 SQUARE FEET, MORE OR LESS.

I HEREBY CERTIFY: THAT THIS "SKETCH AND LEGAL DESCRIPTION" OF THE PROPERTY DESCRIBED HEREON, AS RECENTLY DRAWN UNDER MY SUPERVISION, COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY: CARLOS IBARRA 08/14/13
(DATE)

PROFESSIONAL LAND SURVEYOR NO. 6770
STATE OF FLORIDA (SURVEY NOT VALID UNLESS IT BEARS EMBOSSED SEAL OF
ATTESTING LAND SURVEYOR)



L.B.# 7806

SEAL

DRAWN BY:	BS
DATE DRAWN:	08/14/2013
SCALE:	1"= 50'
JOB NO:	12-002303-1
SHEET:	1 OF 1

Exhibit "A"